THE HON'BLE MR JUSTICE V.ESWARAIAH

–

WRIT PETITION NO : 2635 of 2006

–

Dated: 14-02-2006

Between:

Rayani Venkateswarlu and others.

..... PETITIONERS

AND

The District Collector, Guntur, Guntur District and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No.2635 of 2006

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the action of the respondents in not allotting the lands to the petitioners, who are in possession

and enjoyment of the lands since last 20 years, in view of allotment of the same for establishment of the Textiles Park at Vankayalapadu Village, Edlapadu Mandal, Guntur District, as illegal and arbitrary and consequently, direct the respondents to allot the lands to the petitioners.

It is stated by the petitioners that the first petitioner is in possession of Ac.17-09 cents, second petitioner is in possession of Ac.5-10 cents, third petitioner is in possession of Ac.6-88 cents, fourth petitioner is in possession of Ac.08-02 cents, fifth petitioner is in possession of Ac.9-42 cents, sixth petitioner is in possession of Ac.10-42 cents and the 7th petitioner is in possession of Ac.7-18 cents, situated in various survey numbers of Vankayalapadu Village of Edlapadu Mandal, Guntur District, since 10 years and raised Eucalyptus plantation. It is further stated that they are entitled to the allotment of the said lands as they are in possession and enjoyment of the same since several years and raised Eucalyptus plantation and without following the procedure prescribed in law and without any dispute whatsoever, they are sought to be evicted from the lands in possession.

A perusal of the material papers goes to show that a notice in Form-I under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), dated 10-06-2005, was issued to the petitioners, who are in occupation of the above said lands, alleging that the said lands were assigned to the landless poor of Vankayalapadu Village and the said lands were identified that they were alienated by the original assignees. It is further goes to show that a reply was filed on
01-08-2005, but as the said reply was ambiguous, the petitioners are directed to specify the survey numbers and the extents of the lands clearly in which, they are in possession and enjoyment and the mode of acquisition of the said lands by them so as to enable the Mandal Revenue Officer, Edlapadu, to take appropriate action. Without filing proper explanation, the petitioners have resorted to file this writ petition.

Section 3 of the Act prohibits transfer of assigned lands and as per the said provision, no person shall acquire any assigned land, either by purchase, gift, lease, mortgage, exchange or otherwise and any transfer or acquisition made in contravention of the provisions of sub-section (1) or sub-section (2) shall be

deemed to be null and void.

Under Section 4 of the Act, the Mandal Revenue Officer is authorized to take appropriate action by passing an order, take possession of the assigned land after evicting the persons, who have purchased the assigned lands and either to restore the same or resume the land by the Government for assignment to the landless poor persons. If any such order is passed, the same is appealable under Section 4-A of the Act and there is also a further revision under Section 4-B of the Act.

In view of the aforesaid remedies available to the petitioners, they are not entitled to any relief in this petition.

Accordingly, the Writ Petition is dismissed. No order as to costs.

_____

14-02-2006

sj